

Ahilea Lee Grammas

April 10, 2024

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

CASE NO. 2:22-cv-00552-MSD-LRL

WHAT HURTS, LLC,

Plaintiff,

v.

VOLVO PENTA OF THE AMERICAS, LLC,

Defendant.

\_\_\_\_\_ /

THE VIDEOTAPED  
ZOOM REMOTE DEPOSITION  
AHILEA (LEE) GRAMMAS

DATE TAKEN: April 10, 2024  
TIME: 11:06 a.m.  
PLACE: U.S. Legal Support - Remotely  
DEPONENT LOCATION: (Witness was in his vehicle)  
Cincinnati, Ohio

Stenographically Reported By:  
LYNDA ROYER, R.P.R.  
Registered Professional Reporter

## APPEARANCES

## ON BEHALF OF THE PLAINTIFF:

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## ALSO PRESENT:

Michael Hollander, Videographer  
U.S. Legal Support

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1 Q. Do you know whether Brent Loring ever reviewed  
2 that warranty document?

3 A. Probably not, knowing us.

4 Q. Okay. Would you agree with me that submersion  
5 of the engines would be a significant event in the life  
6 of those engines?

7 A. Yeah, if they were underwater.

8 Q. Yeah.

9 A. Yeah.

10 Q. And again, I'm not even trying to quibble with  
11 you about what the word "submerged" means. Just you  
12 would agree if engines go underwater, that's bad, right?

13 A. Yeah. Obviously, we all know that.

14 Q. All right. I want to provide just a little bit  
15 of context. I know you said you weren't exactly sure  
16 when you started talking about the replacement engines  
17 during this time process. I'm going to show you what's  
18 going to be marked as Exhibit 2 today.

19 (Thereupon, Defendant's Exhibit Number 2, Brent  
20 Loring letter, was marked for identification.)

21 Q. Can you see this document up on the screen?

22 A. It just loaded. Yeah, I can see it.

23 Q. Okay. And it's -- I'll represent to you this  
24 is a letter that was written by Brent Loring. It's got  
25 -- it's on his TruStaff letterhead to Connor Retzke and



1 camera and you're maybe driving, but if you look at  
2 the camera and you see him speaking --

3 THE WITNESS: I'm not driving.

4 THE COURT REPORTER: You just need -- you can't  
5 speak when he's talking. Thanks.

6 THE WITNESS: Okay. Thank you.

7 Q. Okay. I want to talk a little bit more about  
8 the context for what was occurring in the settlement  
9 discussions on the date of the salvage incident which is,  
10 again, February 25th, 2021. Let me show you what I'll  
11 mark as Exhibit 3 which I'll represent is screenshots of  
12 text messages between you and Tony Kelleher.

13 (Thereupon, Defendant's Exhibit Number 3, Text  
14 message chain, was marked for identification.)

15 Q. Okay. Can you see that up on the screen?

16 A. Yep, I can see it.

17 Q. And I'll -- this is a 33-page document, but  
18 I'll scroll to the -- the more relevant time period.

19 Okay?

20 MR. WAGNER: Yeah. If you could just call out  
21 the dates on -- on that, that would be good.

22 Q. Yeah. So this one, this text chain starts and  
23 you can see here that it's -- that's Tony Kelleher at the  
24 top; is that right, Mr. Grammas?

25 A. Yes.

1 Q. And then his text bubble on this first page  
2 says, "Good morning, Lee." Is it your understanding this  
3 is the capture from your phone for the text messages  
4 between you and Tony Kelleher?

5 A. Yeah.

6 Q. Okay. And it looks like the first one we've  
7 got, it is from June 18th, 2020. Do you see that up here  
8 at the top?

9 A. Yep.

10 Q. Okay. And again, I'm not going to focus on  
11 stuff way back in June 2020. I'm just making sure we're  
12 on the same page about what these are.

13 A. Got it.

14 Q. Okay. So let me scroll down here.

15 A. Oh, we texted more than I thought.

16 Q. Okay. So now I'm on Page 16 of this document  
17 which kind of starting here, February 12th, 2021, I  
18 believe that's the first text exchange between you and  
19 Tony after that demand letter we just looked at. Does  
20 that appear to be correct?

21 A. January 1st, yeah.

22 Q. Okay. And again, we don't need to look at the  
23 specifics of these, but suffice it to say you're having a  
24 back and forth with Tony scheduling phone calls and just  
25 sort of discussing this engine replacement issue during

1 this time period; is that a fair description?

2 A. Yep.

3 Q. Okay. And then the next several pages are

4 occurring from February 19th up through February 23rd all

5 discussing the negotiations for this settlement

6 agreement; is that fair?

7 A. Yep.

8 Q. Okay. And in fact, up to Page 23 here, we've

9 got a text, February 25th, 2021 at 10 a.m., so that's

10 even the same day of the salvage incident, right?

11 A. Yep.

12 Q. Okay.

13 MR. WAGNER: In the morning, right?

14 MR. CARPENTER: Yes. It's 10 a.m., so I'm not

15 alleging that that occurred after the salvage

16 incident. Same one.

17 Q. So would it be fair to say you had a pretty

18 open line of communication with Tony Kelleher around the

19 time of this salvage incident?

20 A. Well, yes and no, because I was really angry

21 because he wasn't communicating correctly, and in that

22 time, too, he -- he said something verbally on the phone

23 that he didn't come through before that, but yes.

24 Q. And what did he say?

25 A. We were going back and forth in the

Ahilea Lee Grammas

April 10, 2024

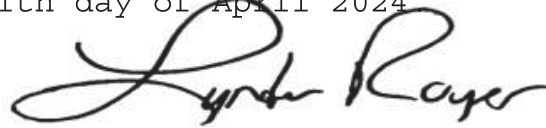
84

## CERTIFICATE OF OATH

STATE OF FLORIDA       )  
                                      )     ss.  
COUNTY OF BROWARD    )

I, Lynda Royer, Registered Professional  
Reporter, Notary Public, State of Florida, certify that  
LEE GRAMMAS appeared before me via Zoom on April 10, 2024  
and was duly sworn.

Signed this 11th day of April 2024



Lynda Royer, R.P.R.

Registered Professional Reporter

Notary Public - State of Florida

Commission #HH 122826

Expires: August 27, 2025

## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF FLORIDA )  
4 ) ss.  
5 COUNTY OF BROWARD )

6 I, Lynda Royer, Registered Professional  
7 Reporter, certify that I was authorized to and did  
8 stenographically report the deposition of LEE GRAMMAS;  
9 Pages 1 through 85; that a review of the transcript was  
10 requested; and that the transcript is a true and complete  
11 record of my stenographic notes.

12  
13 I further certify that I am not a relative,  
14 employee, attorney, or counsel for any of the parties,  
15 parties' attorneys or counsel connected with the action,  
16 nor am I financially interested in the action.

17  
18 DATED this 11th day of April 2024.

19  
20   
21

22 Lynda Royer, R.P.R.

23 Registered Professional Reporter  
24  
25



Defendant's Exhibit

04/10/24

**2, Grammas**

Lynda Royer, RPR

January 15, 2021

Dear Conner & Tony

Happy New Year!

I am writing this letter to reiterate my experience as an owner of a 2019 60' Midnight Express with Seven Marine Engines. I purchased this vessel October 2019 with the confidence of a Manufacturer Warranty that would last until October 2021. To say the least, this has been the worst experience of my life of any major purchase:

- engines breaking down repeatedly
- engines taken apart and rebuilt
- authorized Seven Marine mechanics performing work that are subsequently unauthorized to perform the same work in the present- most likely from inadequate prior work performance.
- unusable boating hours while the boat was "in the shop"
- hundred thousand dollars plus (both in repair costs and rental costs while the boat was inoperable)
- Etc. Etc. (please review the service history in your records)

To say the least, this nightmare does not end. I know that this feeling of anguish, frustration, inconvenience, disappointment and complete outrage is not tolerable nor acceptable of the strong brand name that Seven Marine carries with it. No customer should have to deal with even half of the issues that I have experienced over the course of the past 15 months!

I will say my experience and relationship with Tony, Amanda and Conner has been respectable but the reality is that we are dealing with faulty products. I have since purchased a 76" Sanlorenzo with Volvo engines from the CEO, Marco Segato, so that I can confidently hit the open water.

I am requesting for full reimbursement for these engines so that we as customers can have a product that works properly and is as dependable as the founders originally intended.

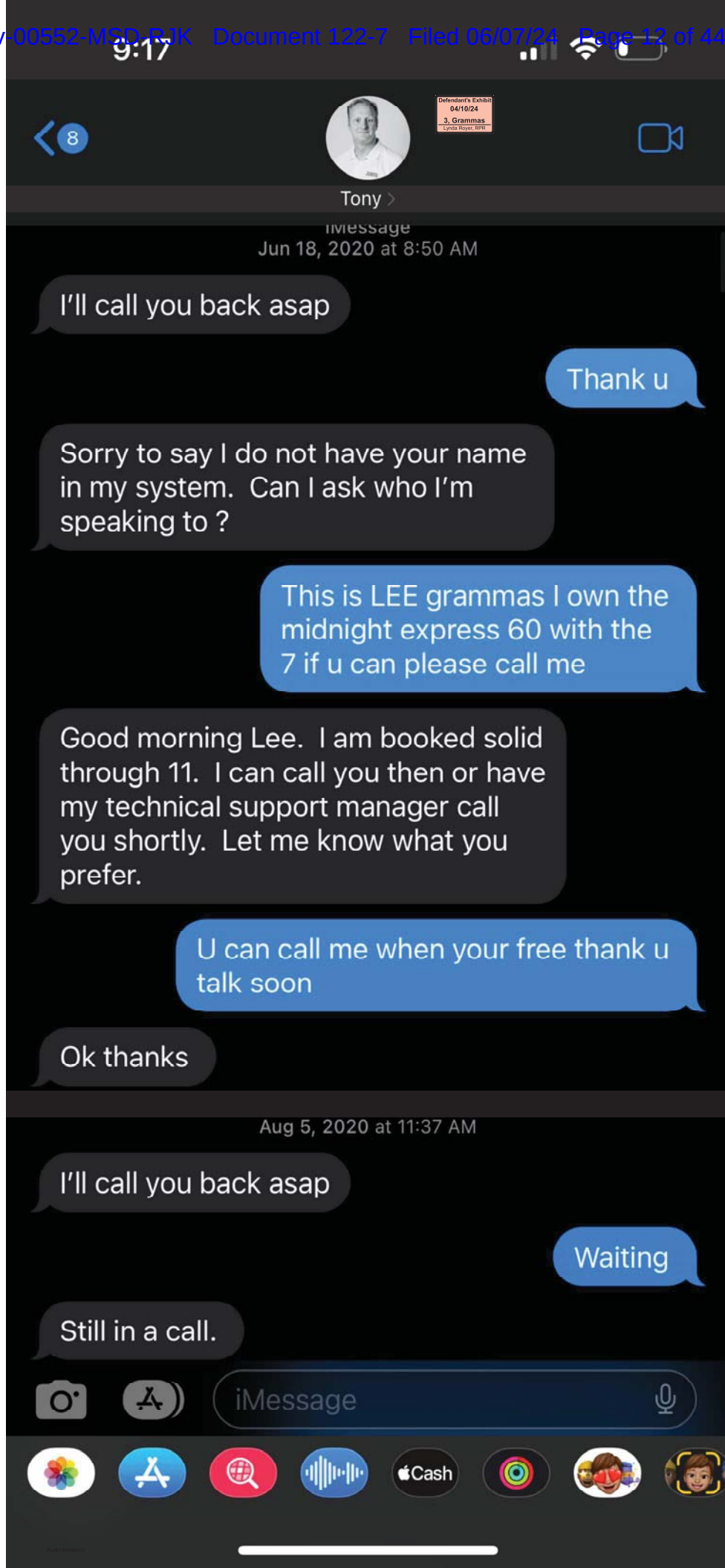
I look forward to your response.

Respectfully

Brent Loring

Chairman/ CEO









9:17



Tony &gt;



Sounds good thanks

[tony.kelleher@volvo.com](mailto:tony.kelleher@volvo.com)

Thanks Lee.

Thank u

Aug 10, 2020 at 7:17 PM

Lee. Please send me your email contact details. I have Amanda Latham on the boat tomorrow. She will be working under the direction of one of my technical experts Mike Herny. Mike has a lot of experience and a lot of years and he's very familiar with the Seven Marine product. We will then regroup at the end of the day to discuss findings and lay out next steps. Sorry this update is via text but I do not have your email address

No worries thanks for response email is [leegrammas@aol.com](mailto:leegrammas@aol.com)

I'll send further updates via email tomorrow after the guys have visited

And also if we could do what we can u get it done by Thursday



iMessage



9:18



Tony >



Thank u

They will be working on this as a priority I will try to leave no stone unturned

Thanks 🙏

Aug 12, 2020 at 4:37 PM

Hey Tony

I got a trip plan for Friday they need a part I need it next day

Lee. On a call Can you given me 30 mins What part is it?

Just got an update from Amanda. Most of the parts she ordered will be here friday. The rest won't arrive until next week. The main thing is the fuel filter is leaking and needs to be changed immediately. After that the rest can wait until after the usage this weekend.

Let me see what I can get you.

I need to get it to her hands please

Part need be out today please



iMessage



9:18



Tony >



I understand that Amanda will have all of the needed parts by Friday

Can we get them by tomro

We will get them to her as fast as possible. I'll check but I think it will be fri am delivery

Thanks

Aug 13, 2020 at 11:30 AM

Lee. I've been told Amanda was coming to the boat today and was told not to come until tomorrow. So right now she will take care of everything on Friday so boat can be used on Saturday.

Does she have the parts

Some now and some tomorrow. So it all can be done tomorrow if you are ok with that.

I need it by tomro PleSe by 1

Not the message your capt is giving Amanda.

Amanda informed my guy that the



iMessage





9:18



Tony >



If it's needed by tomorrow at 1 then I'd recommend letting her on the boat today to get done what she can today so it's only finish up tomorrow.

She has full access to the boat

My understanding is all parts wasn't in that's y

If she can get it done on one trip that be better whatever u guys think I just need the boat working tomro please

Lee exactly what time will determine today and tomorrow or just tomorrow.

Just need the boat tomro

My guy is checking what she can get done today with the parts she has and what needs to be finished up tomorrow. Pls stand by

Ok thank u

If it's better for her to go one trip and get it all done by tomorrow then that fine thanks

I'll let her know and will get back to you as soon as she responds to my



iMessage



9:18



Tony &gt;



I spoke to Amanda. She will be on the boat tomorrow with all oarts. We decided together makes no sense to drive to Miami and install one part when we are waiting on 10

From my captain

I guess they have a plan lol

So she will be there tomorrow morning. Boat will be done at 12 and go for a sea trial. Everything will be fine. And I'll come get u guys

Ok. Sounds like a plan. ETA for parts to Amanda from Chesapeake is 10 am to her. She then needs to get to the boat and install. Then sea trial. Tomorrow will be fine but 1 pm may be ambitious.

This is from my guy who is a little conservative.

Let's go with the current plan as agreed with Amanda and Capt.

Got it thanks

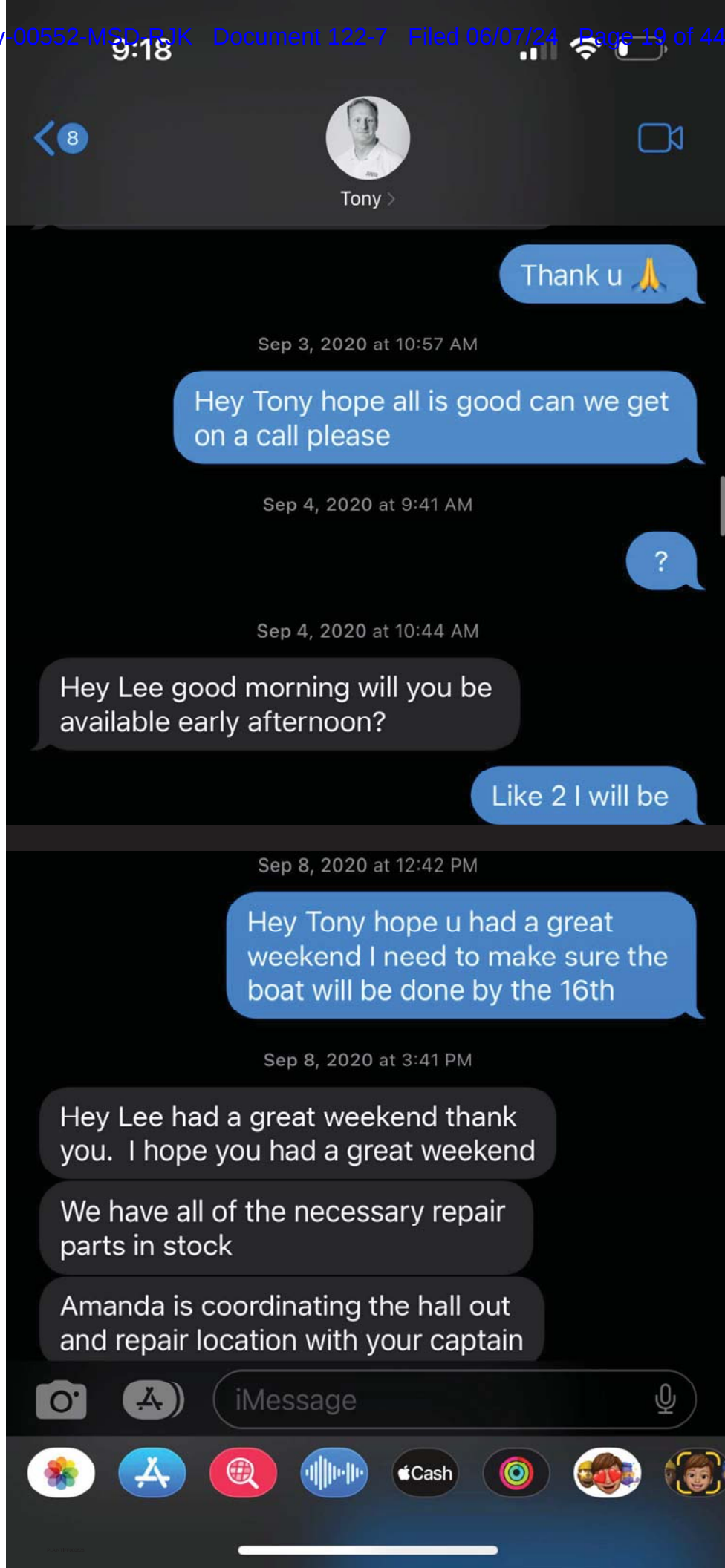
Aug 18, 2020 at 12:37 PM

Hey what's up so guess Amanda still



iMessage









9:18



Tony >



Lee I learned today that Amanda found a number of other things that she needed to fix. So we are sending one of our field service engineers tomorrow morning to help her out. This is a good and experienced guy who should be able to help speed up the repairs. I'll check in with them both tomorrow

Thank u

Like I say let me check on them and see what else we can do thanks

Sep 17, 2020 at 3:25 PM

Hey what's up will I have boat Saturday this is crazy

Can we get on a call at 5

Yes. I'll call you at 5

Thanks

Sep 17, 2020 at 6:07 PM

Thanks for the call talk to my Captain he said he can make something happen just let me know tomro by 11 thanks



iMessage



9:18



Tony &gt;



Ok. Good chat. See what you can do with the shop. They can be inflexible at times and when the chain goes on the gate we are done. I'll get back to you tomorrow when jack updates me. All the best.

Thanks 🙏

Sep 18, 2020 at 9:47 AM

Good morning I'll in the plane I'll text u when I land like 12 for update thanks

Ok. Thanks

Sep 18, 2020 at 12:17 PM

Hey Tony

Can you talk ?

Sep 22, 2020 at 1:42 PM

Hey hope everything good do we have a new update I'll be there Friday again

Lee. I'm meeting with my team at 4 for an update. I believe there is sand in at least 2 of the other units. I'll get you an update and at least



iMessage



9:19



Tony >



Ok thank u

Sep 22, 2020 at 4:45 PM

Lee. 2 other engines have been found to have injected significant amounts of sand packed in. These are the 2 center engines.

All of the necessary parts are on site and available.

This is not a warranty job as this is not a material defect

I can help with some parts pricing but Amanda needs coverage.

I believe she can work aggressively and get this repair complete late Friday but it will be tight.

She will need confirmation from you that this will be a customer pay situation.

I've asked for a comprehensive evaluation of the entire package.

I've asked my team to list out what needs replacing and what can be cleaned etc.

I will get this tomorrow. I can then let you know what I can do to help



iMessage



9:19



Tony >



I will get this tomorrow. I can then let you know what I can do to help financially. I will cover anything that I can reasonably cover under warranty.

get pricing let's talk tomro

Do you want her to work on this tomorrow or wait for a decision from you?

I'll have all the numbers I need by noon tomorrow.

Need a Quote and not crazy one after I been though a lot on these engines

Can u talk for 2 mins

Can you give me 10 mins.



Oct 9, 2020 at 10:40 AM

Hey hope all is well can we get on a call when u can please thanks

Talking to Mike Herry right now. Will call when done. Is this about the



iMessage





9:19



Tony >



call when done. Is this about the supercharger ?

Yes and more

Oct 9, 2020 at 2:35 PM

Sorry for the delay. Are you able to talk?

I can in little

5 min

Are able to talk now

Oct 9, 2020 at 4:02 PM

She's got the supercharger off the old powerhead, it sounds good, no grinding. Some salt deposit which I would expect to see considering it sits immediately behind the throttle body but she is going to clean that up before installing. She's heading to the boat shortly.

Thank u

Oct 13, 2020 at 1:32 PM

Hey Toney can u call me please

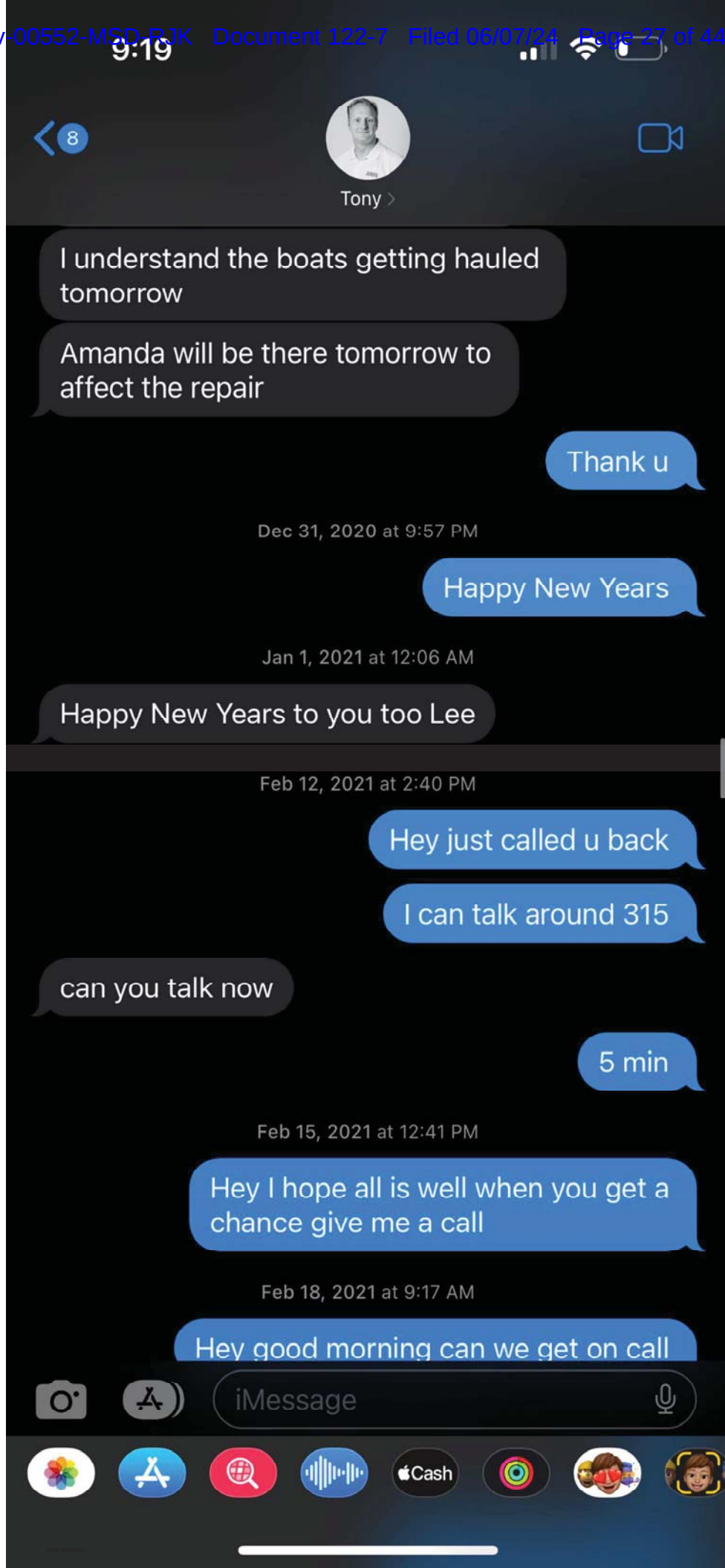
Hey Lee. Stuck in a meeting for the

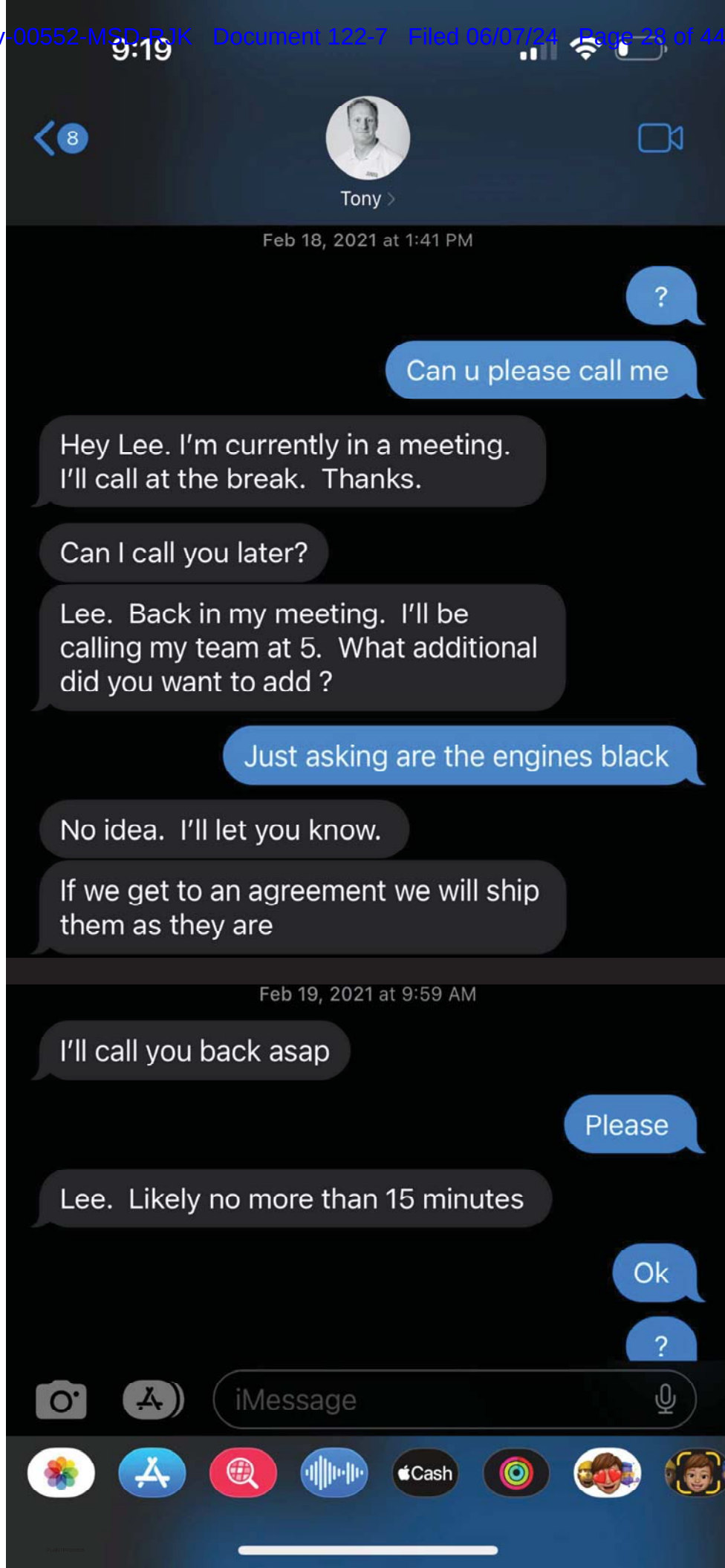


iMessage











9:19



Tony >



Feb 19, 2021 at 3:02 PM

We need DPH lowers

From what I have seen on the 53 hbc the big boat gets out of the hole with lower rpm. Is more fuel efficient. And is a better scenario for what we have

I'll have to get some costs together and let you know about availability.

Feb 20, 2021 at 1:45 PM



iMessage



9:19



Tony &gt;



We want the dph drives.  
We want pics of the motors and  
what's included.  
And a written spec sheet as to what's  
included.  
Remember we have the long shafts  
on the middle. They will be sending  
the motors to the same specs we  
have correct? Double spacers in the  
centers. Etc

Lee. I can arrange for pics of the  
current engines I can also arrange for  
pricing for the DPH and availability of  
the DPH drives I can also arrange for  
an application review to make sure  
that the application in your current  
boat will be the same

Not sure what we've got in terms of  
spec sheets but I'll let you know what  
we've got and I'll Send you what I can

What's the decision on the warranty

And when I've got your go ahead  
we're both goneed to talk to Amanda  
Latham

She's going to need to know exactly  
what's involved and so far I haven't  
spoken to her about this at all

I'll make sure we cover the cost of the



iMessage



9:19



Tony &gt;



I'll make sure we cover the cost of the shipping of the current engines back to Chesapeake

And just to let u know Brent just got a 112 SanLorenzo with 4 Volvo

Feb 22, 2021 at 9:47 AM

Hey Tony hope u had good weekend get with Amanda make sure we get everything we need correct also going need you to throw in the warranty 2 years total I don't know y u guys wouldn't if there new motors please help on this we need get these motors off 2 motors down again please thank u

Feb 22, 2021 at 10:48 AM

Play all is well on my side thank you. The upgrade to DPH gearboxes will be \$2500 per package

This price does not include propellers

Regarding the applications review, Amanda will need to take some measurements as directed by our team and we can then do an evaluation of the new package versus the old package and this will also include propeller selection etc.



iMessage





9:20



Tony >



I'm not able to go to two years on the warranty I can go to 14 months as previously stated for \$60,000

And to be clear the entire package and the lower GT's and the props with those lower GT's will need to be returned to us

Again I haven't spoken to Amanda yet but I can get that discussion started today if you're interested

Could we wait on the warranty

Feb 23, 2021 at 9:40 AM

Good morning let me know what time is good to talk

Feb 23, 2021 at 10:45 AM

Lee. How does 2 pm look for you?

That's good for me

Ok. I'll call you then

Feb 23, 2021 at 2:28 PM

I'll do the 10k but make sure you include the props and the 12 months I think that's fare Tony just do it for me so we can get this done



iMessage



9:20



Tony &gt;



include the props and the 12 months I think that's fair Tony just do it for me so we can get this done

Feb 23, 2021 at 6:37 PM

Lee I can't go any further than I've already gone I can stretch to the 12 month warranty from date of commission of the new engines. And then that's it. Let me know what you want to do I head to England tomorrow but I primed my guys on the activities they need to complete. We can start as soon as you give us the thumbs up. We can still work on the engines but we won't ship them until we get a release signed by yourself and Brent.

So have to pay for props

So 10k for the DPH and 12month warranty

Feb 24, 2021 at 12:56 PM

Yes. I will write up the offer and you can send back an ok via email. We will then hey on the engines at our end and get the release drafted.

So are you throwing in the props



iMessage



9:20



Tony >



No. I am agreeing with you that you have to pay for props

So can u give me them for cost at least

Lee. This will have to go through Amanda. She needs to make something on this. I'll see if she will take a hit on her mark up

Feb 25, 2021 at 10:06 AM

I still have a received the part and I'm going back down there tomro

Mar 1, 2021 at 10:46 AM

Good morning Lee I hope you had a good weekend. I've sent you an email with an attachment outlining our proposal and agreement. Take a look at it and let me know if you want to proceed. I believe it captures the agreement that we have made via text and phone calls over the last couple of weeks. All the best

Thanks I'll look over it

OK thanks

Mar 2, 2021 at 9:00 AM



iMessage



9:20



Tony &gt;



Mar 2, 2021 at 9:09 AM

Hey good morning Been talking to midnight they said to just do the GT's lowers

Because they know it works they never use the other system

I've got a tell you we have had a lot of success with the DPH drives. Obviously before Volvo Penta bought Seven Marine this was not an option but since then DPH is the standard because the hole shot is better fuel efficiency is better and maneuverability is better particularly at low speed. If it was my Boat I would go with a DPH but it's yours it's your choice I'd advise you to reconsider

Ok got it we do the dph

Read 3/2/21

Ok - please respond to my email to you with agreement and we will kick it off. Also can you confirm it's just you and Brent that have ownership interest in this boat?

Yes just us I'll respond to email



iMessage





9:20



Tony &gt;



Mar 15, 2021 at 9:05 AM

Hey Tony hope u doing well are u back in the states

Still in the UK and will be fir a few more weeks. How are you?

I'll be meeting with the team today. I think engines are almost ready to ship but need confirmation on that.

I'm good I got everything singed got a question is a settlement out of the question now I got someone that wants the boat but don't want engines but just asking so I can workout my deal

Mar 15, 2021 at 10:42 AM

What are you thinking?

Depends if I can get them up more on the boat but if you can help me out we're much closer to your number i'm gonna be straight honest with you it's going to be a around 215 to 265



iMessage





9:20



Tony &gt;



Still too rich for me Lee to be honest I will check and I will get back to you today but I am doubtful

Well see what you can do I just rather be done and we don't have to deal with other shit later thanks u

Mar 15, 2021 at 4:27 PM

Let's chat tomorrow. Let me know a good time.

I'm free any time except 12 till two

Mar 15, 2021 at 6:06 PM

👍. I'll call you.

Ok thank u

Mar 17, 2021 at 10:26 AM

Hey Tony let me knis when you can talk thank u

May 5, 2021 at 8:16 AM

Hey good morning hope all is good we are having issues i think u are aware of it it's been 3-4 weeks this is crazy we need to Handel this ASAP Im losing deals Bc of it please help



iMessage



9:20



Tony &gt;



crazy we need to handle this ASAP  
Im losing deals Bc of it please help

May 5, 2021 at 10:42 AM

Lee. Good morning. I'm up-to-date with the challenges. I understand the changes will be made today and then we'll sea trial tomorrow. Connor Andrew and Jack are all involved with Amanda on this. Let's see what the sea trial yields and then we can reconnect

May 5, 2021 at 12:00 PM

Can I call you later?

This is crazy

I've been patient enough

not paying for these haul outs for you Bc mistake because the engines are overheating

How is this fare to me I'm loosing deals u have to understand

Lee. I'm in a meeting right now and can call this afternoon. Understand that I said at the start of this process that some applications engineering is needed because ME didn't do a



iMessage



9:20



Tony &gt;



needed because ME didn't do a robust job of it which is partially why you experienced the issues you've experienced. I stated that this needs to be done right so you are happy with the result. There's nothing wrong with these engines. Amanda is finessing the application at this point. Let her do her job. I'll call this afternoon.

May 10, 2021 at 8:33 AM

Tony good morning this is becoming big problem when u have let's talk thank u

May 10, 2021 at 10:46 AM

Can I call u

Lee. I can talk at 11:30. Will that work?

Yes please



May 10, 2021 at 2:07 PM

Make sure we get on a call later



iMessage



9:20



Tony >



May 10, 2021 at 4:24 PM

Let me know please

In a meeting. Need to check with my team. They've met a couple of times today after our call. I'll get with them and then with you

May 10, 2021 at 6:59 PM

Let me know please this is very important

Lee I am meeting with Leon Connor and Andrew tomorrow morning at 7:30. The easiest to discuss options on the path forward. We will connect after that

Ok thanks

May 11, 2021 at 8:34 AM

Good morning let me know what time we can get on call

May 11, 2021 at 11:11 AM

???

May 11, 2021 at 12:50 PM

?



iMessage





9:20



Tony &gt;



Sorry for the delay Lee. The team met this morning and discussed a number of different options and opportunities with regards to your ME60. I've asked them to summarize based on activities timing and likelihood for success. I've asked for that to be summarized before in the business today We can then work on the recommendation after we've had a chance to share it with you

May 12, 2021 at 10:27 AM

Lee. Sent you report vis email. Take a look and we can talk.

Ok haven't received

Resent. Pls check again

Let me know when we can talk

How does 1:30 look for you?

K

Deal.

Just you or others?

Others



iMessage



9:20



Tony >



May 13, 2021 at 10:52 AM

Good morning Any updates

Evaluating upturns and outcomes lee.  
I understand you have no appetite to  
spend any more money - correct?

What's the plan

Can we get on a call

Don't understand what u saying

Lee. Pick ups will cost money. If we  
add them - you will be required to  
pay. We can go back to original  
height and single props at a much  
lower cost.

I am in a meeting now so cannot get  
on a call

I'm only paying what we agreed on  
the and the R&R and props and haul  
out I'm not paying for anything else  
so you tell me what to do

So. We go back to single props - I'll  
get back to you with timing

Ok whatever u think is best



iMessage



9:21



Tony >



The boat is scheduled to leave on the 24th. Please offer a solution that meets or exceeds this deadline

May 14, 2021 at 7:37 AM

Good morning let me know the details we need to figure it out now Bc boat is leaving on the 24th every second counts rn

May 17, 2021 at 8:59 AM

Lee. I sent an email with the Volvo Penta recommendation on Friday before 1. Have you had a chance to look at it?

Hey just got back let me look at it

I am free this afternoon to talk

May 17, 2021 at 10:58 AM

What time can we talk

3 pm. Just you and I for this call please.



iMessage





